

From: Andre Gous
To: Microsoft ATR
Date: 1/2/02 6:22pm
Subject: Microsoft Settlement

This email is sent by a concerned citizen re the proposed settlement. I am in favor of it, but please read on.

Without reading every word, I have reviewed the document at <http://www.usdoj.gov/atr/cases/ms-settle.htm> with special focus on the ominous phrases of "Microsoft shall not retaliate against" and "Microsoft shall not enter into any agreement with:"

As a businessman, software developer, US citizen, and capitalist, I believe that we need a strong, limited government to protect the citizens' rights. Of course, a government can fail to do so by shirking its tasks, but (ironically) also by overstepping its bounds and being overzealous. It is my opinion, based on my observations and my political principles, as well as some excellent arguments which I've read in that regard, that the Antitrust portion of the DOJ has done exactly that, and then some ... inflicting injustice, in the name of justice, a.k.a. destroying capitalism in the name of capitalism.

As such, I find it hard to support the proposed settlement, since I have a problem with it on principle but I will support it on the sole basis that Microsoft Corporation considers this to be preferable to more litigation yet. I gather that Microsoft is faced with a "lesser of two evils" option, and on that basis, I support them in their decision to go with the settlement. For that reason, I also urge you to go along with it.

The remainder of this email presumes that you're acting merely on behalf of US citizens which are pushing you to constrict Microsoft, and that you don't have a personal ax to grind. If the latter is the case, you're acting inappropriately. To the extent that you're faced with a complaint-driven democracy, please consider my email as one complaint-vote in the other direction, meaning I am pushing for a situation where people and companies are free to negotiate conditions for the sale of the products which they own (e.g., by having created them.)

I understand that my objection strikes at the very root of your premises in the Microsoft case, and that is indeed my intent.

I concede that anti-trust has a legitimate function in government, but only to the extent that it seeks out

and destroys inappropriate monopolies and unfair competition, where the definition of "inappropriate" is not based on a howl of complaints, but on non-socialistic economic theory,

For example, I live in a county where there's a county-owned phone system. The county has instituted a public transportation system which I am taxed to fund, and which competes with private transportation businesses. I drive on a nationalized roads system. My wife is a travel agent who sees first-hand the complacency which comes from the welfare mentality generated by government funding for organizations like Amtrak.

If I saw you dismantling government-supported or government-mandated unfair competition, at the city, county, state and federal level, then I'd be cheering you on, and would consider you champions for justice, fairness and freedom, in an exact sense. Presumably, you chose this line of work because you thought you could make the world a better place. However, many of the worst injustices in history started with that intent.

You have a grave responsibility to look far beyond the obvious, and to seek out valid principles of good government. (If you tell me the address to choose, I will mail you a complimentary copy of Ayn Rand's "Capitalism - the unknown ideal".)

From every action I've seen you take, you're headed in the wrong direction.

You're demonizing Microsoft, who should instead be left alone or commended for all the valuable products they've created.

I consider your direction as fundamentally misguided, and I look forward to the day when your charter limits you to dismantle only socialist constructs, and when the next group of "I'm whining for conditions which I'm too lame to achieve in negotiation" constituents knock on your door, I want you to be empowered enough to be able to tell them to get lost, to take responsibility for their position in the market, and to leave you alone, since you have more important things to do ... the greatest country in the history of mankind needs you.

You should be protecting its core values, not dismantling

them.

Sincerely,

Andre Gous

CC: msfin@microsoft.com@inetgw,Pat Newton,Sue Gous,bkk...